

***Remarks***

The foregoing amendments to the specification are sought to update the application priority information shown in the specification. Therefore, these amendments introduce no new matter.

By the foregoing amendments to the claims, claim 1 has been cancelled without prejudice or disclaimer, and new claims 2-29 are sought to be added. Support for new claims 2-29 can be found throughout the specification. Specifically, support for new claims 2-7 and 11-29 can be found at pages 11-12, 15-16, 28-31, 42-47 and throughout the Examples. Support for new claims 8-10 may be found at pages 23 and 37-38. Hence, these amendments do not add new matter, and their entry and consideration are respectfully requested. Upon entry of the foregoing amendments, claims 2-29 are pending in the application, with claims 2-4, 20 and 21 being the independent claims.

In the Final Office Action issued in parent U.S. Application No. 09/177,387 on June 10, 2003, the Examiner maintained one rejection under 35 U.S.C. § 103(a) over Hartley *et al.* (WO 96/40724; hereinafter "Hartley") in view of Shuman (U.S. Patent No. 5,766,891). Applicants respectfully traversed this rejection in their replies. By the foregoing amendments to the claims, the previously pending claims in parent U.S. Application No. 09/177,387, and the claims of the present continuation application, are the same.

The continuation patent application filed concurrently herewith will be afforded a filing date after November 29, 1999. Hence, under applicable statute 35 U.S.C. § 103(c), Applicants respectfully submit that Hartley cannot preclude patentability of this continuation application, as both the presently claimed invention, and Hartley, were at

the time the invention was made, subject to an obligation of assignment to Invitrogen Corporation or its predecessor in interest, Life Technologies, Inc. Hence, Applicants respectfully submit that the sole remaining rejection to the claims in parent U.S. Application No. 09/177,387 has been rendered moot, and therefore the present continuation application is in condition for allowance.

It is not believed that extensions of time or additional fees are required, beyond those that may otherwise be provided for in the accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor and/or any additional fees necessary for entry and consideration of the foregoing (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

HARTLEY, *et al.*  
Appl. No. *To Be Assigned*  
(Rule 53(b) Continuation of 09/177,387;  
filed October 23, 1998)

Prompt and favorable consideration of this Preliminary Amendment is respectfully requested. Applicants believe the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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